STAND. COM. REP. NO. 2697

Honolulu, Hawaii FEB 2 8 2014

RE: S.B. No. 2958 S.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2958, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ONLINE PROTECTION OF INDIVIDUAL RIGHTS,"

begs leave to report as follows:

The purpose and intent of this measure is to broaden the protections afforded under the cybersquatting laws by expanding the applicability of determining bad faith under section 481B-23, Hawaii Revised Statutes, and good faith exceptions under section 481B-24, Hawaii Revised Statutes, to individuals and business entities.

Your Committee received testimony in support of this measure from the Office of Consumer Protection of the Department of Commerce and Consumer Affairs and one individual.

Your Committee finds that provisions under chapter 481B, part II, Hawaii Revised Statutes, relating to civil liability for bad faith registration of a domain name, determining bad faith intent, and the good faith exception apply only to living persons, rather than to the broader definition of "persons" under chapter 481B, part II, Hawaii Revised Statutes, which includes individuals and business entities. Your Committee further finds that businesses that are victims of online bad faith registration of a domain name have no recourse under this existing chapter. Therefore, this measure changes references from "living person" to "person",

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thereby ensuring that individuals and business entities are protected from bad faith actors.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2958, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

CLAYTON HEE, Chair

The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* Committee Referral: Date:				
SB 2958 SD1 CRN,	JOL	9	125/	14
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:				
The Recommendation is:				
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	i/			
SHIMABUKURO, Maile S.L. (VC)	0			
GABBARD, Mike				
GALUTERIA, Brickwood				
IHARA, Jr., Les	/			
SOLOMON, Malama				~
SLOM, Sam				
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TOTAL	6			
Recommendation: Adopted Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes